

(a) The commissioners court of a county or the governing body of a municipality may enter into a contract with a *private attorney or a public or private vendor* for the provision of collection services for *debts and accounts receivable such as fines, fees, restitution, and other debts or costs, other than forfeited bonds*, ordered to be paid by a court serving the county or a court serving the municipality, as appropriate.

(b) *A commissioners court or governing body of a municipality that enters into a contract with a private attorney or private vendor under this article may authorize the addition of collection fees in the amount of 30 percent on each debt or account receivable that is more than 60 days past due and has been referred to the attorney or vendor for collection.*

(c) *A defendant is not liable for the collection fees authorized under Subsection (b) if the court of original jurisdiction has determined the defendant is indigent, or has insufficient resources or income, or is otherwise unable to pay all or part of the underlying fine or costs.*

(d) *If a private attorney or private vendor collects from a person owing costs ordered paid by the court an amount that is less than the total costs owed by the person, including collection costs permitted under the attorney's or vendor's contract with the commissioners court or governing body, the amount of costs collected otherwise required to be sent to the comptroller and the amount permitted to be retained by the county or municipality are reduced by an equal percentage in order to fully compensate the attorney or vendor, not to exceed the percentage specified as allowable collection costs in the attorney's or vendor's contract with the county or municipality.*

SECTION 3. Article 6701d-28, Revised Statutes, is repealed.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

Passed the Senate on April 23, 2001: Yeas 29, Nays 0, one present not voting; and that the Senate concurred in House amendments on May 26, 2001: Yeas 30, Nays 0, one present not voting; passed the House, with amendments, on May 23, 2001: Yeas 136, Nays 1, five present not voting.

Approved June 15, 2001.

Effective June 15, 2001.

## CHAPTER 1280

S.B. No. 1781

### AN ACT

relating to the appointment of a public defender by the Commissioners Court of Potter County.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Chapter 26, Code of Criminal Procedure, is amended by adding Article 26.054 to read as follows:

*Art. 26.054. PUBLIC DEFENDER IN POTTER COUNTY. (a) The Commissioners Court of Potter County may appoint an attorney to serve as a public defender. The public defender serves at the pleasure of the commissioners court.*

*(b) To be eligible for appointment as a public defender, a person must:*

- (1) be a member of the State Bar of Texas;*
- (2) have practiced law for at least four years; and*
- (3) have experience in the practice of criminal law.*

(c) *With the approval of the commissioners court, the public defender may employ assistant public defenders, investigators, secretaries, and other necessary personnel. An assistant public defender must be a licensed attorney and may perform the duties of a public defender under this article.*

(d) *Subchapter B, Chapter 152, Local Government Code, applies to the compensation of personnel and the payment of office expenses in the public defender's office.*

(e) *Except as authorized by this article, a public defender or an assistant public defender may not:*

*(1) engage in the private practice of law; or*

*(2) accept anything of value not authorized by this article for services rendered under this article.*

(f) *The commissioners court may remove a public defender or an assistant public defender who violates Subsection (e).*

(g) *The public defender or an assistant public defender shall represent each indigent person who is:*

*(1) charged with a criminal offense in Potter County; or*

*(2) subject to proceedings involving delinquent conduct or conduct indicating a need for supervision in the county.*

(h) *The commissioners court may specify other types of cases in which the public defender or an assistant public defender may represent indigent persons.*

(i) *The public defender or an assistant public defender may investigate the financial condition of any person the public defender is appointed to represent. The public defender shall report the results of the investigation to the appointing judge. The judge may hold a hearing to determine if the person is indigent and entitled to representation under this article.*

(j) *If at any stage of the proceeding the judge determines that a conflict of interest exists between the public defender, or an assistant public defender, and the indigent person, the judge may appoint another attorney to represent the person. The attorney must be licensed to practice law in this state and is entitled to the compensation provided by Article 26.05.*

(k) *The commissioners court may accept gifts and grants from any source to finance an adequate and effective public defender program.*

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

Passed the Senate on April 26, 2001: Yeas 30, Nays 0, one present, not voting; passed the House on May 23, 2001: Yeas 145, Nays 0, two present, not voting.

Approved June 15, 2001.

Effective June 15, 2001.

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## CHAPTER 1281

S.B. No. 1807

### AN ACT

relating to the duties of a magistrate regarding the provision of bail for a person arrested for a criminal offense.

*Be it enacted by the Legislature of the State of Texas:*